

PATENT

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OCT 13 2006

In re Application of
William J. Murphy, et al.) Before the Examiner
) Tam M. Nguyen

U. S. Serial No.: 10/678,693

) Confirmation Number: 9950

Filed: October 3, 2003

) Group Art Unit: 1764

For: INTEGRATED PROCESS FOR
CATALYTIC DEWAXING) Family Number: P2002J099
) (JJK-0329)Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the
Commissioner for Patents facsimile number 571-273-8300 on the date shown below.

JOANNE WOLTERS

Type or print name of person signing certification

Signature

Date

REQUEST FOR REFUND OF FEES PAID BY MISTAKE OR IN EXCESS OF
THAT REQUIRED UNDER 37 CFR 1.26(a)

\$910

Sir:

This is a request for refund of Fees incorrectly charged to and/or paid by mistake from Deposit Account 05-1330 for the above referenced application. The fees incorrectly charged/paid by mistake are a Request for Continued Examination fee under 37 CFR 1.17(e) (fee code 1801; amount \$790.00) and a related 1 month extension fee under 37 CFR 1.17(a) (fee code 1251; amount \$120.00). Both fees were incorrectly



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Family Number: P2002J099

OCT 13 2006

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charged/paid by mistake on July 14, 2006. Upon grant of this request, the funds should be returned to Deposit Account 05-1330. This request for refund should be granted for at least the following reasons:

1) The Fees were incorrectly charged because prosecution was not closed for the application. The incorrect charge of fees was based on a Request for Continued Examination with a One Month Extension that was filed on July 13, 2006. This Request for Continued Examination was not a proper request, however, because prosecution was not closed. On July 12, 2006, a First Office Action was issued for 10/678,693. A copy of the prosecution history from the Public PAIR website is attached to this request. As shown in the prosecution history, the Request for Continued Examination was not filed until after the issuance of the non-final Office Action.

MPEP 706.07 states what should occur when an improper Request for Continued Examination is filed: 706.07(h).III.A.1 – "If prosecution in the application is not closed, applicant will be notified of the improper RCE and any amendment/reply will be entered. Thereafter, the application will be forwarded to the examiner for consideration of the amendment/reply under 37 CFR 1.111."

Applicants were not notified of the error. Instead, the RCE was accepted and the fees were charged. If the policy under MPEP 706.07 had been followed, Applicant would not have been charged the fee.

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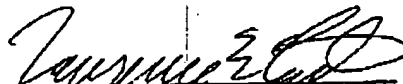
OCT 13 2006

U.S. Serial Number: 10/678,693
Family Number: P2002J099

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2) The Request for Continued Examination on July 13, 2006 was improper in part due to a proper Request for Continued Examination filed on June 20, 2006. The corresponding fee was deducted from Deposit Account 05-1330 on June 23, 2006.

Respectfully submitted,



Lawrence E. Carter

Attorney for Applicant(s)

Registration No. 51,532

Telephone Number: (908) 730-3632

Facsimile Number: (908) 730-3649

☒ Pursuant to 37 CFR 1.34(a)

ExxonMobil Research and Engineering Company
P. O. Box 900
Annandale, New Jersey 08801-0900

10/13/06

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DCT-13-2006 14:26 FROM: EXXONMOBIL LAW DEPT 908 730 3649

TO: USPTO

P.5

06-20-2006	Request for Continued Examination (RCE)	1	<input type="checkbox"/>
06-20-2006	Information Disclosure Statement (IDS) Filed	3	<input type="checkbox"/>
06-20-2006	NPL Documents	19	<input checked="" type="checkbox"/>
06-14-2006	Advisory Action (PTOL-303)	3	<input type="checkbox"/>
06-14-2006	Amendment After Final or under 37CFR 1.312, Initialed by the examiner.	1	<input type="checkbox"/>
05-22-2006	Fee Worksheet (PTO-875)	1	<input type="checkbox"/>
05-22-2006	Amendment Submitted/Entered with Filing of CPA/RCE	2	<input type="checkbox"/>
05-22-2006	Claims	6	<input type="checkbox"/>
05-22-2006	Applicant Arguments/Remarks Made in an Amendment	5	<input type="checkbox"/>
03-21-2006	Final Rejection	10	<input type="checkbox"/>
01-06-2006	Amendment - After Non-Final Rejection	1	<input type="checkbox"/>
01-06-2006	Claims	6	<input type="checkbox"/>
01-06-2006	Applicant Arguments/Remarks Made in an Amendment	10	<input type="checkbox"/>
01-06-2006	Transmittal to IC	1	<input type="checkbox"/>
01-06-2006	Extension of Time	1	<input type="checkbox"/>
09-08-2005	Non-Final Rejection	8	<input type="checkbox"/>
08-17-2005	Fee Worksheet (PTO-875)	1	<input type="checkbox"/>
08-17-2005	Amendment After Final or under 37CFR 1.312, Initialed by the examiner.	1	<input type="checkbox"/>
08-17-2005	Request for Continued Examination (RCE)	2	<input type="checkbox"/>

08-10-2005	<u>Advisory Action (PTOL-303)</u>	2	<input type="checkbox"/>
07-28-2005	<u>Fee Worksheet (PTO-875)</u>	1	<input type="checkbox"/>
07-28-2005	<u>Amendment Submitted/Entered with Filing of CPA/RCE</u>	2	<input type="checkbox"/>
07-28-2005	<u>Claims</u>	6	<input type="checkbox"/>
07-28-2005	<u>Applicant Arguments/Remarks Made in an Amendment</u>	9	<input type="checkbox"/>
07-28-2005	<u>Rule 130, 131 or 132 Affidavits</u>	3	<input type="checkbox"/>
05-17-2005	<u>Final Rejection</u>	10	<input type="checkbox"/>
05-17-2005	<u>List of references cited by examiner</u>	1	<input type="checkbox"/>
02-17-2005	<u>Fee Worksheet (PTO-875)</u>	1	<input type="checkbox"/>
02-17-2005	<u>Amendment - After Non-Final Rejection</u>	3	<input type="checkbox"/>
02-17-2005	<u>Claims</u>	8	<input type="checkbox"/>
02-17-2005	<u>Applicant Arguments/Remarks Made in an Amendment</u>	7	<input type="checkbox"/>
01-06-2005	<u>Fee Worksheet (PTO-875)</u>	1	<input type="checkbox"/>
11-17-2004	<u>Non-Final Rejection</u>	7	<input type="checkbox"/>
11-17-2004	<u>List of References cited by applicant and considered by examiner</u>	8	<input type="checkbox"/>
11-17-2004	<u>Bibliographic Data Sheet</u>	1	<input type="checkbox"/>
11-17-2004	<u>Search Information including classification, databases and other search related notes</u>	1	<input type="checkbox"/>
11-04-2004	<u>Examiner's search strategy and results</u>	3	<input type="checkbox"/>
07-16-2004	<u>Foreign Reference</u>	24	<input type="checkbox"/>

07-16-2004	Foreign Reference	44	<input type="checkbox"/>
07-16-2004	Foreign Reference	62	<input type="checkbox"/>
07-16-2004	Information Disclosure Statement (IDS) Filed	4	<input type="checkbox"/>
06-01-2004	Foreign Reference	52	<input type="checkbox"/>
06-01-2004	Foreign Reference	42	<input type="checkbox"/>
06-01-2004	Foreign Reference	24	<input type="checkbox"/>
06-01-2004	Foreign Reference	32	<input type="checkbox"/>
06-01-2004	Foreign Reference	14	<input type="checkbox"/>
06-01-2004	Foreign Reference	16	<input type="checkbox"/>
06-01-2004	Foreign Reference	20	<input type="checkbox"/>
06-01-2004	Foreign Reference	28	<input type="checkbox"/>
06-01-2004	Foreign Reference	8	<input type="checkbox"/>
06-01-2004	Foreign Reference	78	<input type="checkbox"/>
06-01-2004	Foreign Reference	18	<input type="checkbox"/>
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06-01-2004	Foreign Reference	10	<input type="checkbox"/>
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06-01-2004	Foreign Reference	18	<input type="checkbox"/>

06-01-2004	Foreign Reference	16	<input type="checkbox"/>
06-01-2004	Foreign Reference	40	<input type="checkbox"/>
06-01-2004	Foreign Reference	38	<input type="checkbox"/>
06-01-2004	Foreign Reference	22	<input type="checkbox"/>
06-01-2004	Information Disclosure Statement (IDS) Filed	10	<input type="checkbox"/>
02-18-2004	Oath or Declaration filed	8	<input type="checkbox"/>
12-30-2003	Pre-Exam Formalities Notice	2	<input type="checkbox"/>
10-03-2003	Transmittal letter	2	<input type="checkbox"/>
10-03-2003	Authorization for Extension of Time all replies	2	<input type="checkbox"/>
10-03-2003	Specification	28	<input type="checkbox"/>
10-03-2003	Claims	8	<input type="checkbox"/>
10-03-2003	Abstract	1	<input type="checkbox"/>
10-03-2003	Drawings	6	<input type="checkbox"/>
10-03-2003	Fee Worksheet (PTO-875)	1	<input type="checkbox"/>
10-03-2003	Fee Worksheet (PTO-875)	1	<input type="checkbox"/>

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- Send general questions about USPTO programs to the [USPTO.Contact.Center \(UCC\)](mailto:USPTO.Contact.Center@USPTO.gov).
- If you experience technical difficulties or problems with this application, please report them via e-mail [Business.Support](mailto:Business.Support@uspto.gov) or call 1 800-786-9199.

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PTO/SB/30 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/678,693
Filing Date	10/03/2003
First Named Inventor	William J. Murphy
Art Unit	1764
Examiner Name	Tam M. Nguyen
Attorney Docket Number	JJK-0329 (P2002J099)

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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☒ Other Reply filed 26 May 2006, which was not entered by the Examiner.

b. ☐ Enclosed

- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s) Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a
- a. ☐ period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(a) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1330. I have enclosed a duplicate copy of this sheet.

- i. ☒ RCE fee required under 37 CFR 1.17(a)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Any additional fees required

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Gerard J. Hughes</i>	Date	July 13, 2006
Name (Print/Type)	Gerard J. Hughes	Registration No.	41,855

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Regina A. Tucker-Mattox</i>	Date	July 13, 2006
Name (Print/Type)	Regina A. Tucker-Mattox		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 88888846 831330 18676693

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07/14/2006 MBINAS 00000046 051330 10678693
01 FC:1801 790.00 CR

PTO/SB/22 (12-04)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) JKK-0329 (P2002J099)	
Application Number 10/6778,693		Filed 10/03/2003	
For INTEGRATED PROCESS FOR CATALYTIC DEWAXING			
Art Unit 1764		Examiner Tam M. Nguyen	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ <u>120.00</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(6))	\$2160	\$1080	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 05-1330. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 41,855

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Gerard J. Hughes July 13, 2006
Signature Date

Gerard J. Hughes (225) 977-4942
Typed or printed name Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 22 * RCVD AT 7/13/2006 3:43:47 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/1 * DNIS:2738300 * CSID:2259771025 * DURATION (mm:ss):01:04

Adjustment date: 10/23/2006 SFELEKE1
07/14/2006 MBINAS 00000046 051330 10678693
02 FC:1251 120.00 CR

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